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OFFICE OF PETITIONS

In re Application of :
Korin :
Application No. 10/771,971 : ON PETITION
Filed: February 4, 2004 :
Attorney Docket No. 226.7280USV :

This decision concerns the June 17, 2004 correspondence captioned "Petition" which is being properly treated as a petition under 37 CFR 1.53 that a drawing be considered part of the above-referenced application.

The petition is **GRANTED**.

The application was filed on February 4, 2004. On May 5, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item in a Nonprovisional Application" ("5/5/04 Notice"), stating that a Figure 21 described in the specification appeared to have been omitted from the application. It is noted that the specification filed on February 4, 2004 describes a Figure 21, but 21 sheets of drawings (Figures 1-22), not including that for Figure 21, are in the USPTO file for this application.

Petitioner asserts that the drawing of Figure 21 was filed on February 4, 2004 with the remaining application papers. In support, the application is accompanied by a copy of a postcard receipt, indicating filing in the USPTO for this application of, *inter alia*, 22 sheets of drawings. This postcard does not bear a USPTO receipt date. However, the U.S. Postal Service (USPS) web site www.usps.gov (Track & Confirm) shows that this application was deposited in the USPS "Express Mail Post Office to Addressee" service on February 4, 2004 at 4:42 pm. The Office thus concludes that the drawing of Figure 21 had been filed on February 4, 2004 and received by the USPTO, but was subsequently misplaced.

In view of the above, the petition is granted.

The 5/5/04 Notice was mailed in error and is hereby vacated.

No petition fee is owed. The \$130 charged to Deposit Account No. 01-0467 has been reversed.

The application file is being returned to OIPE for further processing with a filing date of February 4, 2004, using the papers filed on that date and supplemented with the drawing of Figure 21 submitted with the instant petition; and for indicating in the USPTO record that 22 sheets of drawings (including that for Figure 21) were present on filing.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763 (before September 15, 2004), or to the undersigned at (703) 306-5683 (before September 27, 2004) or (571) 272-3203 (after September 27, 2004).



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